

10 February 2005

Our Ref: IAT/10124/SN

First Class & Confidential

Mr D J Doherty
Desmond J Doherty & Co Solicitors
Clarendon Chambers
7 Clarendon Street
Derry
BT48 7EP

**GENERAL
MEDICAL
COUNCIL**

*Protecting patients,
guiding doctors*

Dear Mr Doherty

Request for information
Re: Your client: Mr & Mrs Ferguson

Thank you for your letter dated 21 January 2005 to my colleague Ceri Floyd. This has been passed to me to deal with.

I understand that you would like a copy of the case file contents relating to your client's complaint which the GMC holds.

Your request has now been considered.

Please find enclosed the information as requested. As you may know, much of the correspondence comprises of the exchange of letters between yourselves and the GMC, of which you would have already have had sight of or in your possession already. I have attached a schedule listing the information for your reference.

However, there is some information which we have withheld under the Freedom of Information Act 2000 (the Act). The exemptions that we believe would apply are:

1. The exemption listed in section 42 of the Act (Legal Professional Privilege). As you will see, the information has been redacted.
2. The exemption listed in section 40(2) of the Act (Personal Information). This relates to information which is the personal data of a third party, and the disclosure of which would be in breach of the Principles of the Data Protection Act 1998, specifically the First Principle which requires that the processing of personal data is fair and lawful. This is an absolute exemption and therefore there is no requirement to consider the public interest in disclosing the information.

068-025-046

I apologise that your request has not fully been met but if you have any further information needs in the future then please contact us.

You have the right of appeal against this decision. If you wish to appeal please set out in writing your grounds of appeal and send it to:

Julian Graves
Information Access Manager
General Medical Council
Regent's Place
350 Euston Road
London, NW1 3JN
Telephone: [REDACTED]
E-mail: jgraves [REDACTED]

You also have a right of appeal to Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF
Telephone: [REDACTED]
Website: www.informationcommissioner.gov.uk

Yours sincerely



Miss Seeq Nong
Information Access Officer
Direct Line: [REDACTED]
Direct fax: [REDACTED]
E-mail: Snong [REDACTED]

068-025-047

*Protecting patients,
guiding doctors*

RF - FAMILY

SCHEDULE OF DOCUMENTS

FILE REF: 2004/3139

Document No.	Description	Date
1	GMC e-mail	25 Jan 05
2	GMC e-mail (redacted)	25 Jan 05
3	GMC letter to Mr D J Doherty	25 Jan 05
4	Letter from Mr D J Doherty to GMC	21 Jan 05
5	File note	19 Jan 05
6	GMC letter to Mr D J Doherty	19 Jan 05
7	Letter from Mr D J Doherty to GMC	14 Jan 05
8	GMC letter to Mr and Mrs Ferguson	7 Jan 05
9	GMC email	7 Dec 05
10	Completed GMC disclosure consent form	20 Nov 04
11	Completed Medical Records Consent Form	30 Nov 04
12	GMC letter to Mr and Mrs Ferguson	25 Nov 04
13	GMC e-mail	22 Nov 04
14	Initial complaint letter from Mr & Mrs Ferguson	6 Nov 04